

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

April 22, 2020

Chairman Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Newington Town Hall, 131 Cedar Street Newington, Connecticut

- I. PLEDG OF ALLEGIANCE
- II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Domenic Pane
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Anthony Claffey
Commissioner David Lenares
Commissioner Hyman Braverman-A
Commissioner Thomas Gill-A

Staff Present

Craig Minor, Town Planner

Commissioner Haggerty was seated for Commissioner Lenares

Chairman Pane: Our thoughts and prayers go out to Commissioner Gill recovering as fast as possible from the virus that he has.

- III. APPROVAL OF AGENDA

Craig Minor: Mr. Chairman I recommend that we remove Item C under New Business, that was Petition 13-20, DOT Location approval. That is decided by the Zoning Board of Appeals, so they will be taking that up rather than TPZ.

Domenic Pane
Town Clerk

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IV. PUBLIC PARTICIPATION (for items not listed on the agenda Speakers limited to two minutes. (Call 860 665-8736)

Chairman Pane: If there is anyone who would like to call in, you can call in at 860 665-8736. That's 860 665-8736.

V. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I have been e-mailing the stuff from CRCOG as I get it, to the Commissioners.

Chairman Pane: Thank you very much. I want to thank NCTV for streaming this. I think it is very important to the community to have this and I want to thank the staff for putting this together.

VI. PUBLIC HEARING

- A. Petition 11-20 Special Permit (Sec. 6.11: Service, Sale, Repair, Rental or Storage of Motor Vehicles) at 2897 Berlin Turnpike (Firestone Complete Auto Care Center.) SB Newington 443 LLC.
Owner/Applicant; Attorney Amy E. Souchuns Esq. 147 N. Broad Street, Milford CT, Contact.

Chairman Pane: Just so the attorneys know, I will not hold you to any time limits, you will have plenty of time. Welcome to the meeting

Amy Souchens: Thank you Mr. Chairman. For the record, Amy Souchens, this probably needs no introduction to anyone in this room or on the phone but I waive the background and there are a couple of members who are likely familiar with a lot of the background but perhaps not all of it. This application frankly dates back to some of this Commission's activity in 2012 when it made some amendments to the automotive use regulations. My client applied for this Firestone facility under those regulations and at the same time Attorney Hollister's client, some of his clients challenged the adoption of those regulations and I think the Commission knows that both cases went through appeals that were decided resulting in a couple of court decisions, and then also a zoning enforcement and injunction action brought by Attorney Hollister on behalf of some of the neighboring property owners. That case implicated the two earlier decisions, in part our approval and the automotive use regulations that were at issue and ultimately resulted in a decision from the court earlier, or at the end of last year requiring, voiding the 2013 approval that we received and requiring us to come back to you for new land use

approval. So, as part of that, we have worked out a settlement agreement with Attorney Hollister's clients and we are here before you with these new applications as a requirement of that settlement agreement.

What we have before you is introduced in a special permit and site plan. We had submitted the location approval but what everyone overlooked last year when we went through the fairly lengthy process of amending and all of us participated in your amendment of these regulations, the location approval faction was changed in the interim and after much back and forth put that application before the Zoning Board of Appeals. So the location approval will be heard by them at their next regularly scheduled meeting in about two weeks. So what we have before you, as I said is a Special Permit and site plan for the Firestone Facility. There are, and I want to be very clear with everybody, there is no new work needed with this application except for two minor pieces, nothing of great substance. So, as part of the litigation with Attorney Hollister's clients there was a fence on the property that was, a white vinyl fence that was almost the entire site, but not quite. The fence as part of the noises mitigation plan was enclosed, and when it was re-surveyed in connection with this application was discovered to be very slightly off the property line, onto the DOT property. That is one thing we would ask on condition of approval and intent to do (inaudible) we would relocate that fence off the DOT property and entirely onto the Newington property.

The second of all, the loading area in the, on the west side of the building looking at the site plan it's directly adjacent to the inventory area that that loading area was never stripped as a loading area. It's been used as the loading area, it's where the tires are dropped off and kept but it was never appropriately stripped so we propose to complete the stripping of the loading area. So those are the only two pieces of work, nothing else on the property is proposed to change. All of the work that you approved in 2013 obviously has been completed and the facility has been open since September of 2015 and the intention is to continue to operate in accordance with frankly, as it has been and then with one other item that was also part of the litigation, we have proposed the incorporation of a noise mitigation condition. The language that Attorney Hollister drafted for the condition of approval was sent to Mr. Minor and we have reviewed that and approved it as well as consistent with what the court ordered, and what that is, is that there are a number of requirements including the use of certain tools and then the condition of the 2013 approval that the rear bay doors adjacent to the residential property are kept closed unless there is a car coming in or out. So that would be as submitted, we would ask that be incorporated into a condition of approval in accordance with the, Attorney Hollister's request, and other than that, we did receive a number of variances from the Zoning Board of Appeals approximately two weeks ago. Those related legalizing the existing conditions, there were four; parking be no less than 25 feet from a residential zone; no structure be located closer than 100 feet from the residential zone boundary; off street loading space be no closer than 50 feet from any lot in any residential zone; and no motor vehicle use within 100 feet of a residential zone.

The property line here, to the west is directly adjacent to the residential zone and I believe, if the Commission will recall from the discussions with the amendment last year, the variances as I said were granted by the ZBA approximately two weeks ago, and we will be back in front of them in respect to the location.

If there are specific question about what we are proposing, I know Attorney Hollister has some comments as well, but if there is anything from the Commission I would be happy to answer.

Chairman Pane: Do any of the Commissioners have any questions? If there are no questions from the Commissioners, I'll hear Attorney Hollister and then we will open up the phones at the same time. We will open up the phone lines, and if anyone from the public would like to call in, the phone number is 860 665-8736. 860 665-8736.

Commissioner Woods: Your announcement has about a 30 second delay before it hits the TV, so it won't even be on right away.

Chairman Pane: Thank you Commissioner. If we are speaking and a phone call comes in, we'll let the caller interrupt we will answer the call and get the question out of the way and then will continue with the meeting. If that is okay with the Commissioners, I will proceed.

Attorney Hollister: Good evening, I'm Attorney Tim Hollister, My office used to be in Hartford, now it's in my kitchen, but the beat goes on, and I want to thank the Chair and the staff and everyone for allowing me to be here. As everyone knows this is the end of a process stretching over almost eight years and I thought it was important to the people that I represented over the years to tell the story and explain the settlement. By the way, to all of you on the phone, I wish you continued good health. From 2012 to 2018 I represented several automobile, service and repair use owners in Newington, including the two entities affiliated with Chairman Pane regarding the auto use regulations. That was resolved two years ago, so that is behind us, but from 2014 to today, I have represented the owner of four single family homes, they are basically the four homes on Main Street directly west of the Firestone facility. One house was owned until last year by Colleen and Laura Bielitz, the one closest to the Firestone at 2160 Main Street is owned by Elaine Matulis, and two homes on the west side of Main Street are owned by Laurie and Edward Dubowsky so they were the clients in the settlement process that we are talking about.

My clients support the application before the Commission tonight because your approval is part of the overall settlement process that Attorney Souchuns referred to. We do think it is important to bring up the noise condition but I do just want to take a couple of minutes because I think it is important especially for the Commissioners who have sort of

been in and out of this story since 2012 to understand the background and the context of the settlement and the all important condition. In 2012 The Commission over hauled the auto repair and service regulations extensively to improve appearances of commercial uses on the Berlin Turnpike, but the perception was that it allowed certain automotive uses to set up business and put restrictions on others, sort of an unlevel playing field, so I was asked by several auto use owners to bring an appeal regarding those regulations. That was in 2012. While that was in court the appeal on the regulations, an application was made for the property that is now the Firestone for the special permit. The problem with the site plan and really the cause of everything that has happened since was that the site plan proposed ten garage bay doors, five of which faced the four single family homes that my clients own on the west side. My clients were confronted with bay doors opening and closing basically in a line of sight from their homes. I did not represent them then but they came before the Planning and Zoning Commission and stated their objection based on noise and property value impacts and obviously they were very concerned, but the special permit was approved in 2013. In 2014 a judge invalidated the 2012 regulations or major portions of it. We thought and at that point I was representing the home owners that that was the end of it, that the validation of the regulations on which the permit been issued was the end of the story, but a couple of months later SB Newington started building and we went immediately to court and we said that Firestone once they started operating would violate the noise ordinance and that they were operating without a valid zoning permit.

While we tried to get it in front of a judge, the building continued, SB Newington was told, you are doing it at your own risk, but they continued. We finally got to court and in the summer of 2015 a judge issued a temporary injunction preventing the Firestone from opening. At that point, the people working with Firestone produced the noise mitigation plan, the letter from Mr. Tocci, which is part of your packet. The good news is, after the judge allowed Firestone to open in compliance with the Tocci plan over two years, it became clear that the noise is a constant annoyance but it was under the state noise regulations, below the decibels levels and the annoyance factors, so in 2017 Attorney Souchun's client and my client settled the noise portion of the case and that is the so called stipulation that is also in your packet and that is a very important part of the settlement.

Then as you recall in 2016 through 2018 we were back here trying to go back and trying to go back and address the issues with the auto use regulations that had been created by the invalidation of portions of it. We resolved that in late 2018, but the issue of the validity of the special permit for Firestone continued, and in December of 2019 the judge invalidated the permit and ordered the Firestone to close and at that point we reached a settlement and the settlement is basically the zoning approvals which Attorney Souchun has filed for and presented tonight, the noise control condition, and then I won't go into the details but just say there is an element of compensating the homeowner clients, just them for the impact on their property values.

So regarding the special permit condition, I think it is essential the point of the condition is to incorporate the elements of the letter prepared by Mr. Tocci in 2015 and say that those are not only court ordered, but they are also something that the Zoning Enforcement Officer can enforce as a condition of the special permit. In other words, if there were repeated violations, we don't want to have to go back to court, we would like to be able to go to the Zoning Enforcement Officer.

The last thing, so on that basis we support the settlement, excuse me, we support the applications that are in front of you.

I want to end with a request. This is not anything we are going to ask the Commission to vote on, there is a neon sign on the southwest corner of the building, on the map that is on the screen here it would be where the Firestone building, the left hand corner facing Main Street. There is a neon sign that is on 24/7, 365 and it basically stares right into four houses. We're not asking the Commission to vote on this, but I want to say Mr. Chairman, we have asked the Firestone, we're not going to appeal, we're not going to sue over this, we have asked Firestone to either turn it off or take it down, it's an annoyance. It's right in the face of the four owners. I just want to make you aware of that request. So thank you for letting me tell my clients perspective on this and I hope this gives you the information on where we came from, why the settlement is proposed tonight, and the noise condition. Thank you.

Chairman Pane: Thank you very much. I just want to, before I go to the Commissioners, just mention that if there is public out there watching and they would like to call in the phone number if 860 665-8736. Do any of the Commissioners have any questions? Is there anything else from the applicant?

Attorney Souchuns: I think the only issue that Attorney Hollister raised is that, with respect to the signage. The signage is approved and it is allowed under the zoning regulations, we would disagree that.....

Chairman Pane: I'm sorry to interrupt, is it the sign that says Firestone on it?

Attorney Souchens: It's the sign, if you want to look at it on PA-4 in the site plan. It's the second to last page.

Chairman Pane: I know which one it is, Maybe to resolve it, is it possible at closing to have some timers, so the light goes off, as a compromise. The sign is an approved sign and everything, but maybe after ten o'clock at night they could install a timer so it goes off and everybody is happy.

Attorney Souchuns: I know that it is possible to shut it off, I have actually seen it off. It is something that I will raise, but we do believe that the sign is legally permitted and we would do as we can investigate that as a request.

Chairman Pane: Maybe you could turn it off at night, or put a timer on it so it turns off at night and comes back on,, I'd appreciate it. Are there any Commissioners that have any questions? Okay if there is nothing else, I'm going to recommend to the Commission to close the public hearing. I'll ask one more time, is there anyone from the public who would like to call in, the phone number is 860 665-8736. I'd like to make a recommendation to the Commissioners to close Petition 11-20 and move it to Old Business for Action tonight.

Commissioner Sobieski: Make a motion we close Petition 11-20. The motion was seconded by Commissioner Fox. The vote ws unanimously in favor of the motion with six voting YEA.

Chairman Pane;: This will be moved to Old Business for action tonight.

VII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes of the April 1, 2020 meeting. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. NEW BUSINESS

- A. Petition 11-20 Special Permit (Sec. 6.11: Service, Sale, Repair, Rental or Storage of Motor Vehicles) at 2897 Berlin Turnpike (Firestone Complete Auto Care Center) SB Newington 443 LLC, Owner/Applicant; Attorney Amy E. Souchuns Esq. 147 N. Broad Street Milford CT, Contact.

Craig Minor: We just discussed that, so we can skip by that.

- B. Petition 12-20 Site Plan Approval at 2897 Berlin Turnpike (Firestone Complete Auto Care Center) SB Newington 443 LLC, Owner/Applicant; Attorney Amy E. Souchuns Esq. N 147 Broad Street, Milford CT Contact.

Chairman Pane: We have gone over most of the site plan issues, do any of the Commissioners have anything on that? Any concerns on the site plan? Everybody understands what is going on? I'll ask the Town Planner if he has anything.

Craig Minor: No, we are all set, I reviewed the plans and they are fine.

Chairman Pane: Okay. The applicant is all set. I'll entertain a motion to move this to Old Business for action tonight.

Commissioner Sobieski moved that Petition 12-20 be closed and moved to Old Business for action tonight. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Pane: This petition 12-20 will be moved to Old Business.

- C. Petition 13-20: DMV Location Approval at 2897 Berlin Turnpike (Firestone Complete Auto Care Center) SB Newington 443 LLC; Owner/Applicant; Attorney Amy E. Souchuns Esq. 14 N. Broad Street, Milford CT, Contact.

Removed from Agenda, referred to ZBA

- D. Petition 15-20 TPZ Approval Section 3.23.1: Accessory Outside Use) for Tent Sale at 3449 Berlin Turnpike (PC Richard & Son) PC Richard & Son, Owner/Applicant, Kevin Leroux, 510 Dogwood Road, Orange, CT Contact.

Chairman Pane: The applicant is on the phone. If you could just state your name, and tell us a little about what you are doing, I know that you have done this before so this should go smoothly.

Kevin Leroux: We have been doing this for about ten years now. The only changes for this year, is that we are not having a trailer, and we are going to reduce the banners, so there will just be the tent banners.

Chairman Pane: Do any of the Commissioners have any questions? Does the Town Planner have a report on this?

Craig Minor: In the packet, as Mr. Leroux said, this is the, this has been going on for quite a while. The last two permits were both good for three years, and this request is also for three years, so that's what I'm recommending.

Chairman Pane: They have been very good there, so we have no problem with that. Is that all right with all of the Commissioners? Okay, I'll entertain a motion to close this and move this to Old Business for action tonight.

Commissioner Sobieski moved to close Petition 15-20 and move it to Old Business. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with six voting YEA.

IX. OLD BUSINESS

Petition 11-20 Special Permit (Sec. 6.11 Service, Sale, Repair, Rental or Storage of Motor Vehicles) at 2897 Berlin Turnpike (Firestone Complete Auto Care Center.) SB Newington 443 LLC, owner/applicant; Attorney Amy E. Souchuns Esq. 147 N. Broad Street, Milford CT, contact.

Commissioner Fox moved to approve with one condition Petition 11-20 Special Permit Sec6,11Service, Sale, Repair, Rental or Storage of Motor Vehicles at 2897 Berlin Turnpike (Firestone Complete Auto Care Center) SB Newington 443 Owner/applicant; Attorney Amy E. Souchuns Esq. 147 N. Broad Street, Milford, CT contact.

Condition:

1. The automotive service and repair operation in the approved building at 2897 Berlin Turnpike will be conducted in strict conformance with the noise mitigation plan described in a letter dated August 14, 2015 from Gregory Tocci of Cavanaugh Tocci Associates Inc,. and a stipulation concerning evidentiary record and (inaudible) on count two dated February 22, 2017 in the court case known as Colleen Bielize et al vs Wex Tuck Realty LLC, et al, docket number HHD LND CV 14-6055381 S, letter pages 1-12 contains five noise mitigation (inaudible) which are further explained in the letter. (inaudible).
2. The existing noise barrier fence has an approximate two inch undercut which has been closed off and an additional fence rail has been attached to the back side of the fence. A gap in the noise barrier fence at the property line with 2110 Main Street has been closed.
3. A red warning light has been installed to notify the operator that the rear west facing garage bay door is open. Bead seating is not permitted while light is on.
4. An electronic door lock system has been installed that permits only one of the west facing garage doors to be open at any one time.

The current operator Firestone) has implemented these steps and they will be binding on any successor or assigned of this special permit. A violation of any of these steps by the operator within the building at 2987 Berlin Turnpike shall be a violation of the special permit and subject to enforcement by the Newington Zoning Enforcement Officer or the

Town Plan and Zoning Commission in addition to any valid available remedies for a violation of the stipulated (inaudible) state or local noise regulations, Town of Newington ordinances, or common noise nuisance standards. The Tocci letter refers to the property by its formal address of 2903 Berlin Turnpike which is now known as 2987 Berlin Turnpike.

The motion was seconded by Commissioner Sobieski. After a roll call vote, the motion was approved unanimously.

Petition 12-20: Site Plan Approval at 2897 Berlin Turnpike, (Firestone Complete Auto Care Center) SB Newington 443 LLC, Owner/Applicant; Attorney Amy E. Souchun Esq. 147 N. Broad Street, Milford, CT Contact.

Commissioner Woods moved to approve with conditions Petition 12-20 Site Plan Approval at 2897 Berlin Turnpike (Firestone Complete Auto Care Center) SB Newington 443 LLC, Owner/Applicant; Attorney Amy Souchun, Esq. 147 N. Broad Street, Milford, CT, contact .

Conditions:

1. The existing enclosure fence which was installed on the adjacent property owned by the State of Connecticut will be relocated onto the applicant's property prior to the issuance of an updated Certificate of Zoning Compliance.
2. The loading area shall be depicted on the property by pavement markings prior to the issuance of an updated Certificate of Zoning Compliance.

The motion was seconded by Commissioner Sobieski. After a roll call vote, the motion passed unanimously with six voting YEA.

Chairman Pane: I want to wish everyone the best, and I'm glad, very glad that this has been settled and I'm glad that we still have a Firestone and a Modern Tire on the Berlin Turnpike in the Town of Newington. Thank you to the attorneys.

Petition 15-20

TPZ Approval (Section 3.23.1: Accessory Outside Use) for Tent Sale at 3440 Berlin Turnpike

PC Richad & Son, owner/applicant;

Kevin Leroux, 510 Dogwood Road, Orange CT, cotact

Chairman Pane moved to approve Petition 15-20: TPZ Approval (Section 3.23.1 Accessory Outside Use for Tent Sale at 3440 Berlin Turnpike (PC Richard & Son) PC Richard & Son owner/applicant; Kevin Leroux 510 Dogwood Road, Orange CT, contact. This approval shall be good for three years.

I suggest one of the Commissioners make that motion.

Commissioner Sobieski: So move.

Chairman Panw Thank you. So, motion made by Commissioner Sobieski for Petition 15-20.

The motion was seconded by Commissioner Fox. After a roll call vote, the vote was unanimously in favor of the motion, with six voting YEA

X. PETITION FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

Craig Minor: I have two items in my report, the first item is, it's been a while since we have talked about the POCD so I mentioned earlier, my memo is short, so I'll just read it "We haven't discussed the new POCD in a while so I thought I would let TPZ know where we are with it.

The last thing TPZ did with the new POCD was conduct an informal "Public Information Meeting" on February 26, 2020. We were going to discuss the public comments from the PIM at the following TPZ meeting and hopefully approve the final draft, but that meeting was cancelled due to the COVID-19 crisis. Then, Governor Lamont issued Executive Order 7I on March 21, 2020, extending all TPZ related headlines by 90 days. That gave us the flexibility to put the POCD on the back burner, but not indefinitely.

To comply with the new deadline for POCD adoption of September 8, 2020 I recommend We pick up where we left off at the next meeting on May 13. Glenn Chalder will participate via conference call. We will discuss the PIM and hopefully approve the final draft of the new POCD.

Do any Commissioners have any comments on that or want to discuss it?

Chairman Pane: So that will be at the next meeting.

Craig Minor: Correct.

Chairman Pane: I think I need more than one meeting for it, but I'm glad that we are going to restart this back up and maybe we should keep it on the agenda for a few meetings so that we can get this resolved. There are several things that I would like to talk about on the 2030 Plan. How do the Commissioners feel about that?

Commissioner Sobieski: I really have no problem although I know that there are some residents that are not too happy about Newington Junction, I've been hearing that lately. I know that there are some older homes up there and they don't really like to have the area change, and I've been hearing from several of the people up there. Just so you know.

Chairman Pane: Any other comments Commissioners?

Commissioner Woods: Just glad to see this being discussed again. We should definitely march forward with this, and try to meet the new deadline of September, and get this put away. I think, as you leading this body now, for almost the last year, believe it or not, you have done a great job of moving this forward, despite all of the things that have been thrown at us. Again I think it shows that we are open for business and we want to attract businesses to this town, and I think this is one of the key things that will make this happen.

Chairman Pane: Thank you Commissioner Woods. Any other Commissioner comments? I'll have the Planner go into the next thing on his report.

Craig Minor: The next item is a couple of staff or Commission amendments to the zoning regs. LID, the proposed zoning amendment (to exempt site plan applicants from having to install LID stormwater treatment at existing developments) has been referred to CRCOG per state law, so the public hearing can commence on May 27. The proposed subdivision amendment (to exempt subdivision applicants from having to provide LID stormwater treatment for subdivisions of fewer than five lots) will be filed with the Town Clerk later this month, so that the public hearing on that amendment can also be held on May 27.

Then the next item is the Brewery and Brew Pub regulation. This amendment was discussed by TPZ on March 11 and is ready to go, whenever TPZ wants to schedule the public hearing. If this were controversial I would recommend holding off until we can resume having normal public hearings, but I don't expect any opposition.

So again it is the Commission's pleasure if they want to move forward on the Brewery Pub amendment.

XII. COMMUNICATIONS

None

XIII. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes. (Call 860-665-8736

XIV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I have heard from people in the Churchill Bridge area, we have allowed building after building in there whether it's Firestone, buildings up on Waverly, all the storm water comes down, and as it comes down, it's being dumped into the retention pond and then from there flowing into the storm system. The problem comes down to that somebody has to maintain the opening of the stream and stuff like that. What has happened over the years last ten, fifteen years, it's not in the records, not in the books, the streams have not been cleaned out. There is a lot of dead wood in there, silt deposits, stuff like that, so I think whatever we do with the LID we have to find a way, not to cause a huge runoff, and intensive the problem we have right now until it gets cleaned up. I've heard from people where trees are falling into the brook, they call the Town, call DEEP to take care, it's all back and forth. What happens is that as the trees fall in, it's causing the river banks, stream banks to expand on either side. My question is we're talking about reducing the LID, and I'm not saying it is a bad idea, I just think we need to find a way to not have any more erosion or problems until we can get a handle on getting these things open and clean.

Chairman Pane: So, on the LID, it does have something to do with the water coming off the property, but we are not getting rid of our zero runoff, so the water will still be retained on the property, it won't be sheet flowing off onto someone else's property just because we are getting rid of the LID. We will still have a public hearing on it. Just to correct you on that, there is zero runoff for properties that are being developed and then also the Town has taken a very, very aggressive maintenance plan with the highway department under the Town Manager's leadership, and they have started cleaning out a lot of the waterways, and I believe they are still working on more and from what I heard with the heavy rain that we have recently had, there was a reduction in flooding, so an excellent point Commissioner, that it's very important to clean our waterways and I think the staff is doing that presently.

Commissioner Sobieski: Correct, Chairman Pane, I understand that, I'm just concerned, like I said, what happened in this particular instance that I am pointing out was when they built that development behind the DOT, the storm water was allowed to drain into the DOT holding pond that is underneath the DOT right of way on the Berlin Turnpike and into the holding pond. The runoff was so great that they had to repair and replace the pipes with bigger size pipes. That is my concern. We could build, and again, we could have retaining ponds, the issue is, I don't want to see where things just go to pot where they aren't functional anymore. So, as long as the Town is maintaining it, that is fine. I think that is what we need to do, I'm just concerned with ten or fifteen years from now

when these things start closing up because of the silt flow and the droppings and stuff like that. That's all.

Chairman Pane: The other item that the Planner talked about, the brewery, I think is an excellent idea. The Commissioners might want to consider allowing a food truck at these places if they wanted to bring a food truck in. I know some brewerys do that, they bring in different food trucks different days, so that might be something that the Commission might want to consider and I think that the Planner should give us an outline of regulations for this and we should aggressively allow this in our regulations.

Commissioner Sobieski: The only thing again, if you remember Chairman Pane, when we were looking at the TOD, one size does not fit every issue or every area so I think if it gets passed and approved, we need to look at each individual area to make sure it fits into the area. That's what I am looking at. I don't want to have something just thrown in and have the neighbors get up in arms. They are close to the residential zones in areas where this could go in, I'm concerned about the residential areas.

Chairman Pane: Thank you Commissioner, I understand and I believe it would be wise for us to have a lot of control over it and I absolutely agree with you that we need to make sure our residential properties are protected.

Any other Commissioners have any comments?

Commissioner Fox: Commissioner Sobieski stole my thought, that is one thing that I was concerned about, that the residential, a lot of homes date way back, one or two back to Revolutionary times, and I wouldn't like to see too much of anything done to them, or done around them, in that area to reduce their value. Thank you.

Chairman Pane: Any other comments?

XIII. PUBLIC PARTICIPATION (For items not listed on the Agenda, speakers limited to two minutes.) Call 860 665-8738

Chairman Pane: If anyone from the public would like to call in, they can call in at 860 665-8736. That's 860 665-8736.

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: At this time I would like to thank NCTV for providing us coverage. I think it is important to continue these meetings and NCTV has been a big part of that, and I thank them very much for coming in. I think that NCTV is an important part of our community and I'm glad we are continuing to use it.

Anyone from the public who would like to call in, it's 860 665-8736.

Commissioner Fox: I have to agree with you Mr. Chairman, NCTV has done a lot for these meetings. I do have a question directed at the Town Planner. Is it possible to get these on Zoom. You would need a microphone and laptop hooked up to your computer, but I think it would be a lot more convenient.

Chairman Pane: We did look into that, and unfortunately Zoom that NCTV has didn't meet the standards for IT, so there was another system where we could have gone to Zoom, but then NCTV wouldn't have been live streaming to the community, and I thought that was extremely important, so I decided to stay with the existing system that we have. I understand that we all can't see each other but I'm willing to continue like this because I thought it was important for NCTV to communicate to the public. I appreciate very much the Commissioners bearing with this for a little while longer. Are there other Commissioner comments?


Commissioner Fox: Thank you Mr. Chairman, I agree. Hopefully by the end of the spring season we will be able to get back into Town Hall. Thank you.

Chairman Pane: Hopefully we can get back sooner than later, and the Town Planner will be working on the agenda and we will have the 2030 on for the next meeting along with a few other things. If there is anything else that comes to mind, if you think there is something in our regulations that you would like to relax to make it a little more business friendly, keep it in mind, because that is what we want to do, as much as possible, but still comply, and still protect the residents.

XV. ADJOURN

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski.

Respectfully submitted,


Norine Addis,
Recording Secretary